IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2903 OF 2004
IN
WRIT PETITION NO.3793 OF 2004

M/s.New Phaltan Sugar Works Ltd. .. Applicant
V/s
Bank of Maharashtra & Ors. .. Respondents

Mr.N.V.Walawalkar with Mr.Keluskar for the Applicant.
Mr.A.V.Anturkar for Res.No.1.

CORAM: S.RADHAKRISHNAN &
S.A.BOBDE, JJ.
DATE : 16.12.2004.

P.C.:

1. Rule. Rule is made returnable forthwith by consent. Heard the learned Counsel for the parties. By this Civil Application, the Applicant seeks leave to to get impleaded as Respondent No.5 in the Writ Petition No.3793 of 2004. Perused the Civil Application. For the reasons stated therein, Civil Application is made absolute in terms of prayer clause (a). Amendment to be carried out within a period of two weeks from today.

2. The learned Counsel for the Applicant has brought to our notice that 19225 Sugar bags (which are under the attachment of Respondent Nos.2, 3 & 4) are lying at the Sugar Factory of the Applicant for the last two years. Hence, the learned Counsel for the Applicant also submits that as the sugar is a perishable commodity, the aforesaid 19225 sugar bags which are lying at the sugar factory of the Applicant be also allowed to be sold by Respondent No.2 (Recovery Officer), and the sale proceeds thereof be directed to be brought to this

Court. Having regard to the facts and circumstances of this case and in the larger interest of justice to everybody in these proceedings including the Sakharwadi Kamgar Co-operative Credit Soceity Limited and especially in view of the fact that the sugar is a perishable commodity, we direct the Respondent No.2 (Recovery Officer) to sell the aforesaid 19225 sugar bags expeditiously, by an auction sale. It is made clear that the aforesaid Sakharwadi Kamgar Co-op.Credit Society Limited, M/s.New Phaltan Sugar Works Limited and the Bank of Maharashtra are entitled to bring better offers at the time of auction sale of the aforesaid 19225 sugar bags, so as to enable the Respondent No.2 (Recovery Officer) to secure the best price. It is also made clear that the aforesaid sale of 19225 sugar bags is without prejudice to the rights and contentions of all the parties. The Respondent No.2 (Recovery Officer) is directed to deposit the entire sale proceeds in this Court.

3. Parties to act on an authenticated copy of this order.

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